

REMARKS

Claims 15 – 17, 19 – 24, 26, 33 – 34, and 36 – 43 are pending. Claims 15 and 23 are amended to recite that the method includes providing a notification signal to the user signaling the end of the predetermined time period. Claims 42 and 43 are new.

Claims 24, 26, 40 and 41 are also amended, but only to eliminate use of the terms “the steps of”. This amendment is not made for purposes of patentability. The amendment is made to indicate that the applicant does not intend the provisions of Section 112, paragraph 6 to be used in interpreting the scope of these method claims

In the Office Action mailed August 17, 2006, Claims 15 – 17, 19 – 24, 26, and 38 were rejected as unpatentable over US 2004/0093042 (Altshuler et al) in view of U.S. 2004/0173780 (Altschuler et al). Claim 40 was rejected as unpatentable over US 2004/0093042 (Altshuler et al) in view of U.S. 2004/0173780 (Altschuler et al) and U.S. 5,885,274 (Fullmer). Claim 41 was rejected as unpatentable over US 2004/0093042 (Altshuler et al) in view of U.S. 2004/0173780 (Altschuler et al) and US Application 2005/017850 (Vaynberg).

Claims 15 and 23 recite the steps of:

cooling the transmissive material for a predetermined time period after the termination of the transmission of light to the skin;

providing a notification signal to the user signaling the end of the predetermined time period.

As discussed in the specification, these steps inform the user that the post-treatment cooling period has ended and thus let the user know that the handpiece may be moved or removed from the skin.

Each of the dependent claims is dependent from Claim 15 or 23 and thus also includes this feature.

It is stated in the Office Action that in Altshuler ‘3042,

“[s]ensors or other monitoring devices may also be embedded in cooling mechanism, for example, to monitor the temperature, or determine the degree of cooling required by tissue, and be manually or electronically controlled. This is interpreted as capable of providing a visual indication of cooling and would intuitively be discontinued at the termination of cooling.”

Applicant respectfully traverses this rejection on the grounds that, since (as acknowledged in the Office Action) Altshuler '3042 does not teach cooling the tissue following radiation, the reference likewise does not teach the combination of steps calling for cooling the transmissive material for a predetermined time period after termination of light transmission, and providing a notification signal to the user signaling the end of the predetermined time period.

Although the other Altshuler reference, Altshuler '3780, notes that cooling can be performed before, during, or after irradiation, there is no teaching of cooling for a predetermined time after termination of light transmission, and so combining the Altshuler '3780 teaching with the teachings of the Altshuler '3042 reference does not render obvious the claimed feature of providing a notification signal to the user signaling the end of the predetermined time period. It likewise does not render obvious the combination of steps recited in new Claim 42 calling for providing a notification signal comprising discontinuing a visual indication after the end of a predetermined time period (corresponding to the end of a post-treatment cooling period), or the combination of steps recited in new Claim 43 calling for sounding an auditory signal after the end of the predetermined time period.

Conclusion

In view of the above, it is respectfully submitted that the application is now in condition for allowance. Reconsideration of the pending claims and a notice of allowance are respectfully requested.

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: November 17, 2006

By: Kathleen A. Frost
Kathleen A. Frost
Reg. No. 37,326

Attorneys for Applicant(s)